

54

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 MAR 12 AM 10:28

08 MJ 0791

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Alfredo SEPULVEDA-Irbe,

Defendant

Magistrate Docket No.

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **March 10, 2008**, within the Southern District of California, defendant, **Alfredo SEPULVEDA-Irbe**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 12th DAY OF MARCH 2008


Louisa S. Porter

UNITED STATES MAGISTRATE JUDGE

gsk

CONTINUATION OF COMPLAINT:
Alfredo SEPULVEDA-Irube

PROBABLE CAUSE STATEMENT

On March 10, 2008, Border Patrol Agent Beata Kobylecka and Supervisory Border Patrol Agent Eric Lee were performing their duties assigned to the Campo Border Patrol Station area of operations. At approximately 2:15 P.M., Agent Lee responded to a seismic intrusion device near an area known as "La Gloria Canyon." This area is approximately ten miles east of the Tecate, California Port of Entry and approximately two hundred yards north of the United States/Mexico International Border.

Upon Agent's Lee and Kobylecka arriving at the location of the seismic intrusion device he observed fresh footprints heading north. Agent Lee followed the footprints for approximately one and one half hours and was able to locate and observe one individual in an open area north of his location. Agent Lee advised Agent Kobylecka of the individual's location and route of travel at which time Agent Kobylecka was able to make contact with the individual later identified as defendant **Alfredo SEPULVEDA-Irube**. Agent Kobylecka immediately identified herself as a United States Border Patrol Agent. The subject was then questioned as to his immigration status. The defendant stated he was a citizen and national of Mexico and did not possess any documents allowing him to enter or remain legally in the United States. At approximately 4:00 P.M., the defendant was arrested and transported to the Campo Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on **August 29, 2007** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.